UNITED STATES PATENT AND TRADEMARK OFFICE

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10/578,638	05/09/2006	Hiroki Kaihori	MAT-8849US	3451

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 May 2006</u>.
2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-24</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>09 May 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☒ All　b)☐ Some * c)☐ None of:
　　　1.☒ Certified copies of the priority documents have been received.
　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date <u>5906</u>.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Claims 1 – 24 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 – 24, they are replete with issues rendering the meaning of the claims unclear. For example, claim 1 recites *"...the one being stored in the fourth storage..."* within lines 25 and 26. The examiner notes that there appears to be no indication as to the meaning of this recitation within the claim or to what *"the one"* is referencing. Furthermore, the claims are replete with instances wherein claim language is illogically recited in the alternative and produce limitations inconsistent with the applicant's disclosure and the claims themselves, thereby rendering the scope of the claims unclear. For example, claim 1 recites *"wherein, **one of** the immobilizer unit and the portable unit further has an information reception part connected with **one of** the first data processor and the second data processor"*. However, it is noted that the applicant's specification fails to disclose an *immobilizer unit* with *an information*

reception part connected with a *second data processor*, as is suggested by the present language. For example, claim 5 recites "*upon input of a second instruction into* **the information reception part** ... **one of** *the first data processor and the second processor generates and stores, into* **one of** *the second storage and the third storage*". However, it is noted that the claims fail to include essential elements or steps necessary for showing one of ordinary skill in the art how an instruction received by one computing device (e.g. **the information reception part** of a first data processor – as suggested by the claims) results in another independent and separate computing device performing a function (e.g. *the second processor generates and stores* – as suggested by the claims). Additionally, it is noted that the claims fail to include essential elements or steps necessary for showing one of ordinary skill in the art how a computing device (e.g. a first data processor – as suggested by the claims) stores data within the memory of a independent and separate computing device (e.g. *generates and stores, into ... the third storage*" – as suggested by the claims). See MPEP § 2172.01. Furthermore, the applicant's disclosure fails to provide a disclosure of such limitations.

Claims 2 – 4, and 6 – 24 comprise many similar issues and the applicant is respectfully encouraged to correct all such deficiencies so as to render the scope of the claims clear.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 24 are rejected under 35 U.S.C. 102(e) as being anticipated by

Tsuji et al. (Tsuji), "Remote Control System", U.S. Patent Publication

2004/0056776.

Regarding claim 1, as best understood by the examiner, it is noted that Tsuji

discloses:

an immobilizer unit including: a first data processor; a first communication part

connected with the first data processor; a first antenna connected with the first

communication part; a first storage connected with the first data processor (Tsuji, fig.

1:2),

the first storage preliminarily storing first data for mutual authentication (Tsuji, fig.

11, par. 88); *and a second storage connected with the first data processor* (Tsuji, fig. 11

– herein Tsuji discloses a plurality of locations for storage ("storage"));

and a portable unit including: a second data processor; a second communication

part connected with the second data processor; a second antenna connected with the

second communication part; and a third storage connected with the second data

processor (fig. 1:1),

the third storage preliminarily storing the first data for mutual authentication

(Tsuji, fig. 11);

and a fourth storage connected with the second data processor, the fourth

storage preliminarily storing one of the first data for mutual authentication and second

data for mutual authentication different from the first data for mutual authentication

(Tsuji, fig. 11);

wherein, one of the immobilizer unit and the portable unit further has an

information reception part connected with one of the first data processor and the second

data processor (Tsuji, fig. 1:11,21 *and when a first instruction is fed into the information*

reception part (Tsuji, fig. 1:11,21 – computing devices operate according to

instructions), *using the first data for mutual authentication stored in the first storage and*

the first data for mutual authentication stored in the third storage, the first data

processor and the second data processor authenticate each other, via the first antenna

and the second antenna (Tsuji, par. 84,88,90);

and the second data processor further stores, into the third storage, the one of

the first data for mutual authentication and the second data for mutual authentication,

the one being stored in the fourth storage, transmits the stored one of the first data for

mutual authentication and the second data for mutual authentication via the second

antenna, and the first data processor stores, into the second storage, the one of the first

data for mutual authentication and the second data for mutual authentication received

via the first antenna (Tsuji, par. 43, 44, 49, 53).

Regarding claim 4, it is rejected, at least, for the same reasons as claim 1, and

furthermore because, Tsuji discloses:

wherein, one of the immobilizer unit and the portable unit further has an

information reception part connected with one of the first data processor and the second

data processor (Tsuji, fig. 1:11,21), *and when a first instruction is fed into the*

information reception part (Tsuji, fig. 1:11,21 – computing devices operate according to

instructions), *using the first data for mutual authentication stored in the first storage and*

the first data for mutual authentication stored in the third storage, the first data

processor and the second data processor authenticate each other, via the first antenna

and the second antenna (Tsuji, par. 84,88,90);

and the first data processor further generates, stores into the second storage,

and transmits via the first antenna, one of data identical to the first data for mutual

authentication and second data for mutual authentication different from the first data for

mutual authentication (Tsuji, par. 84, lines 1-6, fig. 10:33), *and the second data*

processor stores, into the third storage, the one of the first data for mutual

authentication and the second data for mutual authentication received via the second

antenna (Tsuji, par. 84, lines 6-10).

Regarding claim 5, as best understood by the examiner, it is noted that the

limitations are not required by the claims (e.g. see recitations *"when both..."*). However,

the examiner points out that Tsuji discloses:

wherein, upon input of a second instruction into the information reception part,

when both of data stored in the second storage and the third storage are the second

data for mutual authentication, one of the first data processor and the second processor

generates and stores, into one of the second storage and the third storage, first

accumulation data different from the second data for mutual authentication; and when

both of data stored in the second storage and the third storage are identical to the first

data for mutual authentication, one of the first data processor and the second data

processor generates and stores, into one of the second storage and the third storage,

second accumulation data different from the first data for mutual authentication (Tsuji,

par. 89).

Regarding claim 6, as best understood by the examiner, it is noted that the

limitations are not required by the claims (e.g. see recitations *"when both..."*). However,

the examiner points out that Tsuji discloses:

wherein, upon input of a second instruction into the information reception part,

when both of data stored in the second storage and the third storage are the second

data for mutual authentication, the first data processor transmits the first data for mutual

authentication stored in the first storage via the first antenna, and the second data

processor stores, into the third storage, the first data for mutual authentication received

via the second antenna; and when both of data stored in the second storage and the

third storage are identical to the first data for mutual authentication, one of the first data

processor and the second data processor generates and stores, into one of the second

storage and the third storage, second accumulation data different from the first data for

mutual authentication (Tsuji, par. 89).

Regarding claim 7, as best understood by the examiner, it is noted that Tsuji

discloses:

wherein the portable unit further has a fifth storage preliminarily storing an ID

code, and the first data processor and the second data processor authenticate each

other also using the ID code (par. 84 – herein, Tsuji discloses receiving a signal

comprising an ID code. The ID code is subsequently held for processing and

performing operations using the code, thus requiring a means of storage).

Regarding claim 8, as best understood by the examiner, it is noted that Tsuji

discloses:

wherein the immobilizer unit further has a sixth storage, the second data

processor transmits, via the second antenna, the ID code stored in the fifth storage, and

the first data processor stores, into the sixth storage, the ID code received via the first

antenna (Tsuji, par. 84, fig. 10:33).

Regarding claim 9, as best understood by the examiner, it is noted that Tsuji discloses:

wherein upon input of a second instruction into the information reception part, the first data processor generates third accumulation data different from the ID code stored in the sixth storage, and stores the third accumulation data into the sixth storage (Tsuji, fig. 11; par. 43).

Regarding claims 2, 3, and 10 – 24, they comprise essentially similar recitations as claim 1 - 9, and they are rejected, at least, for the same reasons.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

See Notice of References Cited.

A shortened statutory period for reply is set to expire **3** months (not less than 90 days) from the mailing date of this communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery Williams whose telephone number is (571) 272-7965. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

number for the organization where this application or proceeding is assigned is (703)

872-9306.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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